

# SENATE RECORD VOTE ANALYSIS

104th Congress

1st Session

Vote No. 163

May 11, 1995, 6:02 p.m.

Page S-6500 Temp. Record

## INTERSTATE WASTE TRANSPORTATION/Hearings on Ruby Ridge & Waco

**SUBJECT:** Interstate Transportation of Municipal Solid Waste Act of 1995 . . . S. 534. Chafee motion to table the Specter amendment No. 754.

### ACTION: MOTION TO TABLE AGREED TO, 74-23

**SYNOPSIS:** As reported, S. 534, the Interstate Transportation of Municipal Solid Waste Act of 1995, will allow States to place limits on the import of out-of-State municipal solid waste, will provide limited authority to States and municipalities to specify the destination site for municipal solid waste in their districts (flow control), and will reinstate the groundwater monitoring exemption for small municipal landfills (that exemption was reversed as a result of a Sierra Club lawsuit).

The Specter amendment would express the sense of the Senate that "hearings should be held before the Senate Judiciary Committee on countering domestic terrorism in all possible ways with a hearing on or before June 30, 1995, on action taken by Federal law enforcement agencies AT Ruby Ridge, Idaho, and Waco, Texas." The amendment is based on 14 findings, including the following: public concern over terrorism has grown in the wake of the terrorist bombing at the Federal building in Oklahoma City, Oklahoma; serious questions of public concern have been raised about the actions of Federal law enforcement officials at Ruby Ridge, Idaho, and Waco, Texas, which have not been answered by Executive Branch inquiries; the terrorist bombing may have been in retaliation for executive actions at Ruby Ridge, Idaho, and Waco, Texas; and there is public concern about permitting Federal agencies to be responsible for investigating themselves without congressional oversight.

Debate was limited by unanimous consent. Following debate, Senator Chafee moved to table the Specter amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

NOTE: A Hatch second-degree substitute amendment fell when the Specter amendment was tabled. The Hatch amendment would have expressed the sense of the Senate that hearings should be held in the near future, before the Senate Judiciary Committee, at a time and under such circumstances as determined by the Chairman, regarding the actions taken by Federal law enforcement agencies at Ruby Ridge, Idaho, and Waco, Texas. The amendment was based on five findings, including that the American people are entitled to full, comprehensive, and open hearings on Federal actions at Ruby Ridge, Idaho, and Waco, Texas, and that the public's confidence

(See other side)

YEAS (74)				NAYS (23)		NOT VOTING (3)	
Republican (32 or 63%)		Democrats (42 or 91%)		Republicans (19 or 37%)	Democrats (4 or 9%)	Republicans (3)	Democrats (0)
Abraham	Hatfield	Akaka	Johnston	Ashcroft	Baucus	D'Amato- <sup>2</sup>	
Bennett	Helms	Biden	Kennedy	Brown	Heflin	Dole- <sup>2</sup>	
Bond	Inhofe	Bingaman	Kerrey	Cohen	Hollings	Warner- <sup>2</sup>	
Burns	Kassebaum	Boxer	Kerry	Craig	Wellstone		
Campbell	Kyl	Bradley	Kohl	Faircloth			
Chafee	Lott	Breaux	Lautenberg	Gramm			
Coats	Lugar	Bryan	Leahy	Grassley			
Cochran	Mack	Bumpers	Levin	Hutchison			
Coverdell	Murkowski	Byrd	Lieberman	Jeffords			
DeWine	Roth	Conrad	Mikulski	Kempthorne			
Domenici	Shelby	Daschle	Moseley-Braun	McCain			
Frist	Simpson	Dodd	Moynihan	McConnell			
Gorton	Snowe	Dorgan	Murray	Nickles			
Grams	Thomas	Exon	Nunn	Packwood			
Gregg	Thompson	Feingold	Pell	Pressler			
Hatch	Thurmond	Feinstein	Pryor	Santorum			
		Ford	Reid	Smith			
		Glenn	Robb	Specter			
		Graham	Rockefeller	Stevens			
		Harkin	Sarbanes				
		Inouye	Simon				

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

in government would be further promoted if the timing of such hearings took into consideration the need for such hearings to be conducted in an atmosphere of reflection and calm deliberation.

**Those favoring** the motion to table contended:

Scheduling hearings on Federal law enforcement actions at Ruby Ridge, Idaho and Waco, Texas on June 30, as originally proposed, or on August 4, as is currently proposed, could hinder efforts to bring to justice the terrorists who committed the Oklahoma City bombing. Though we are deeply committed to having full and public hearings on those law enforcement actions, it is of much more immediate importance that we do not interfere with the Oklahoma investigation. Many of the same Federal officials who would necessarily have to testify at any Waco or Ruby Ridge hearings are actively involved in the investigation of the Oklahoma bombing. Dragging them away from that investigation will slow its resolution, and may even result in some of the guilty parties eluding identification.

Further, we are confident that the Chairman of the Judiciary Committee, Senator Hatch, will hold hearings on Waco and Ruby Ridge as soon as such hearings are appropriate. He (and Senator Specter) wanted those hearings last Congress, but Senate Democrats, who were in the majority, did not favor holding them. Now that Republicans are in the majority we are certain that hearings will eventually be held. Now, though, is not the time. We agree with Senator Hatch that we should wait for the resolution of the Oklahoma City bombing investigation. Accordingly, we urge our colleagues to table the Specter amendment.

**Those opposing** the motion to table contended:

The senior Senator from Pennsylvania, in his role as the Chairman of the Judiciary Subcommittee on Terrorism, scheduled a series of four hearings on terrorism. The fourth hearing was to be on Federal law enforcement actions at Ruby Ridge, Idaho, and Waco, Texas, because of reports that those actions have been used as justification for domestic terrorism. That hearing was scheduled for May 18. The Chairman of the Judiciary Committee objected due to concerns that a hearing at this point would interfere with the investigation of the Oklahoma City bombing. That bombing may have some connection to Federal actions at Ruby Ridge and Waco. We believe that this possible connection makes it more, not less, appropriate to hold hearings on this matter as soon as possible.

At the outset, we categorically reject any suggestion that the bombing in Oklahoma had any conceivable justification. The terrorists who are guilty of that attack must be caught and punished to the fullest extent of the law. Still, the fact remains that Federal law enforcement actions at Ruby Ridge and Waco have raised serious concerns in the minds of many ordinary Americans, not just in the minds of those few militants who reside on the paranoid fringe, and those concerns have not been relieved by the responsible agencies' internal investigations. Open congressional hearings will dispel those concerns, either by proving them meritless or by identifying problems, which can then be corrected. As public confidence returns, the paranoid fears of terrorist fringe groups will also subside. Open public accountability will thus lessen the danger of future inhuman terrorist assaults such as occurred in Oklahoma.

The Specter amendment, as modified, would express the sense of the Senate that hearings should be held by August 4. We are confident, based upon discussions with the Federal Bureau of Investigation (FBI) Director, Louis Freeh, that the time between now and August 4 will be more than sufficient for the FBI to complete its Oklahoma investigation. We are hopeful that using this date instead of the original June 30 date in the amendment will be enough to gain the support of our colleagues who are hesitant to hold hearings during the pendency of the Oklahoma investigation.